



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष ३, अंक १२]

गुरुवार, एप्रिल ६, २०१७/चैत्र १६, शके १९३९

[पृष्ठे १५, किंमत : रुपये ३६.००

असाधारण क्रमांक २७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 6th April 2017 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. XXVIII OF 2017.

A BILL

to provide road safety measures and matters connected thereto.

WHEREAS, it is expedient to provide road safety measures and matters connected thereto; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Maharashtra Transport and Roads Safety Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette*, appoint and different dates may be appointed for different sections.

(१)

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “aggregator” means a person who is an operator or an intermediary or market place who canvasses or solicits or facilitates passengers for travel by a taxi or any other public service vehicle and who connects the passenger or intending passenger to a driver of a taxi or any other public service vehicle through phone-calls, Internet, web-based services or GPS or GPRS based services whether or not any fare, fee, commission, brokerage or other charges are collected for providing such services ;

(b) “ambulance” means a vehicle specially designed, constructed or modified and equipped with and intended to be used for emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated; and having specifications as may be prescribed by the State Government in this regard ;

(c) “Auto-rickshaw” means a motor vehicle having three wheels constructed or adapted and used to carry not more than six passengers, for hire or reward excluding the driver ;

(d) “Central Act ” means the Motor Vehicles Act, 1988 and includes the rule made thereunder ;

59 of
1988.

(e) “Committee” means the committee appointed by the State Government for taking decisions as provided in section 30 of Act ;

(f) “emergency vehicle” means a vehicle used solely for police, fire brigade, National Disaster Response Force (NDRF), paramilitary forces or an ambulance and includes any other vehicle as may be prescribed by the State Government for this purpose ;

(g) “Government” means the Government of Maharashtra ;

(h) “Mobile Motor Vehicle Court” means a Court constituted for the purposes of trying cases registered under the provisions of the Central Act or this Act or any other Act as may be specified by the State Government ;

(i) “operator” means any agency or institute authorized by the State Government for the purpose of operating learning licence test centres, specialized computerized driving test centres and automated vehicle inspection centres run by Government and includes any agency appointed for the same by the Government ;

(j) “school bus” means a contract carriage vehicle which is designed and constructed specially for transportation of students, upto class twelve, of schools, colleges and other educational institutions and includes a four wheeler light motor vehicle such as school van having registered seating capacity upto six seats and includes auto rickshaw ;

(k) “Transport Commissioner ” means any officer appointed by the State Government to perform the functions of the Transport Commissioner, Maharashtra State under this Act and includes such officers as may be prescribed by the State Government.

(2) Words and expressions used but not defined in this Act, shall have the same meanings respectively assigned to them in the Central Act.

CHAPTER II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. (1) The State Government may prescribe the method, manner of testing candidates and fees to be charged for appearing for learner's license test and driving licence test and appointment thereof, having regard to the provisions of the Central Act. Testing of candidate for learner's licence test, driving licence test and appointment thereof.
- (2) The State Government may recognize and notify the Industrial Training Institutes and engineering colleges, both private as well as Government, duly approved by the State Government and possessing prescribed norms, for the purposes of conducting preliminary test for learner's licence. Licensing and regulation of schools or establishments for imparting instructions in driving of motor vehicles.
4. (1) The State Government may provide by rules, the provisions for licensing and regulation of schools or establishments for imparting instructions in driving of motor vehicles, which shall be in addition to the conditions and requirements laid down in the Central Act, regarding minimum facilities, equipment and other requirements including number of candidates to be trained taking into consideration the number of instructors and vehicles available for the same. Restrictions on granting of licence for special category vehicles.
- (2) The State Government may grant licence to colleges or other educational institutions possessing prescribed qualifications, for imparting training to drivers of motor vehicles by giving them preference over other applicants, if such application is received under section 12 of the Central Act. Necessity for refresher course for renewal of licence.
5. The applicant applying for a driving license to drive a special category vehicle such as crane, double-decker bus, fork lift, construction equipment vehicle and any other vehicle, as specified, from time to time, should have completed a course of driving of such vehicle of prescribed duration from the institution recognized under section 4 and authorized by the State Government for this purpose. Necessity of certificate regarding eye sight at the time of renewal of driving licence.
6. (1) The applicants applying for renewal of transport category license shall be required to undergo a stipulated refresher course of the recognized institution authorized for this purpose. The duration, contents and period of the course shall such as may be prescribed. Test of competence to drive motor vehicle.
- (2) Any driver who causes death of a person while driving a motor vehicle shall be required to undergo a refresher's training course within a period of two months from the recognized institution, authorized for this purpose.
7. Every application for renewal of driving licence in respect of person above the age of fifty years shall be accompanied by a certificate regarding eye-sight and other matters issued by an ophthalmologist as per the format as may be prescribed.
8. The test of competence to drive a motor vehicle shall be conducted on the driving test track of the design with such additional software, equipment and instruments as may be approved by the Transport Commissioner and as may be run by authorized operator from the date to be notified by the State Government in this regard :

Provided that, the State Government may notify different dates for different areas, from time to time, where the test of competence to drive a motor vehicle shall be conducted :

Provided further that, the Transport Commissioner may allow conducting such tests at any other place, with or without driving test track, depending upon the exigencies.

CHAPTER III

TRADE CERTIFICATE AND VEHICLE INSPECTION CENTRES

Conditions
for grant of
trade
certificate for
dealers,
financier and
vehicle body
builder, etc.

9. (1) No person shall sale and deliver a motor vehicle or carry on the business of hypothecation of leasing of higher purchase of motor vehicles or built body on motor vehicles, unless he has obtained a Trade Certificate from the Registering Authority.

(2) The State Government may prescribe conditions for grant, issue and renewal of Trade Certificate to dealers, financiers and vehicle body builders and other categories, in addition to those prescribed in the Central Act.

Establishment
of Automated
Vehicle
Inspection
Centres.

10. (1) The State Government shall, from the date to be notified in this regard, establish the Automated Vehicle Inspection Centres, which may be run through Government or operators or institutions, for testing of mechanical fitness of all transport vehicles and prescribe by rules for their functioning and charges to be levied for this purpose. Such charges and fees shall be in addition to the fees prescribed under the Central Act.

(2) The State Government may prescribe the tests to be carried out for issuance of certificate of fitness, which shall be in addition to tests prescribed under the Central Act :

Provided that, the Transport Commissioner may allow conducting such tests at any other place, with or without Automated Vehicle Inspection Test Centres, depending upon the exigencies.

CHAPTER IV

REGULATION OF TRANSPORT VEHICLES

Provisions
about
aggregators.

11. (1) No person shall act as an aggregator unless he is registered with the concerned Regional Transport Authority.

(2) The State Government may prescribe by rules, the terms and conditions, for operation of taxis run by aggregators, which may include regulation of tariff and other requirements necessary for such registration and compliance by such aggregator.

(3) The individual permit holder shall ensure that, before hiring his vehicle through an aggregator, the aggregator is duly registered under the Act.

(4) The aggregator who has registered under the Maharashtra City Taxi Rules, 2017 shall be deemed to have been registered under this Act.

Establishment
authorities to
determine fares
and routes of
stage carriage.

12. (1) The State Government shall establish the authorities to determine the fares and routes to be operated by the urban local bodies operating stage carriage bus services.

(2) After determination of fares and routes, the urban local bodies shall send the proposal to the concerned Regional Transport Authority for approval. The decision of the Regional Transport Authority on such proposal shall be final.

I of 1904. *Explanation.*— For the purposes of this section “urban local body” means the local authorities as defined in clause (26) of section 3 of the Maharashtra General Clauses Act.

CHAPTER V

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

13. (1) Whenever a vehicle manufacturer obtains a Type Approval Certificate in respect of each new model of vehicle from any one of the testing agencies mentioned under rule 126 of the Central Motor Vehicles Rules, 1989 and intends its sale in the State of Maharashtra, the manufacturer shall intimate the same along with a copy of the Type Approval so received to the Transport Commissioner.

Necessity of intimation and approval of each vehicle model by vehicle manufacturer by Transport Commissioner.

(2) On receipt of such intimation, the Transport Commissioner may, within one month, issue a separate approval order in respect of each such model of vehicle.

(3) No manufacturer or authorised dealer shall sale the vehicle unless the manufacturer obtains the approval from the Transport Commissioner under sub-section (2).

14. (1) The State Government may make rules for school buses, including vans, auto-rickshaws and other modes of transportation, for safe transportation of school children.

Regulation of School Buses and vans, etc.

(2) The Maharashtra Motor Vehicles (Regulations for School Buses) Rules, 2011 made for the regulation of school buses before the commencement of this Act shall be deemed to have been made under this Act.

15. (1) The State Government may make rules for effective enforcement of the provisions of the Central Act, for reducing and controlling air and noise pollution of the motor vehicles.

Enforcement of rules regarding reducing and controlling air and noise pollution.

(2) No person shall set up Vehicle Pollution Test Centre unless it is approved by the officers of the Motor Vehicles Department.

(3) The State Government may make rules for setting up Vehicle Pollution Test Centres, the grant of authorisation, their working and charges and other matters related thereto.

(4) It shall be necessary for the testing agencies mentioned in rule 126 of the Central Motor Vehicles Rules, 1989 to certify compliance with additional features or specifications for PUC testing equipment as prescribed by the Transport Commissioner while granting such approval.

16. (1) The State Government may prescribe specifications for ambulances in consultation with the Public Health Department of the State Government.

Specifications of ambulances.

(2) The State Government may prescribe separate decibel level of sound for sirens fitted to ambulance. If the siren of the ambulance is not in conformity with the specifications, it shall be liable to be confiscated.

CHAPTER VI

CONTROL OF TRAFFIC

17. Every driver shall, on the approach of emergency vehicle, allow such vehicle free passage by drawing to the side of the road.

Emergency vehicle to be given free passage.

Wheel lock mechanism to detained vehicle.

18. The vehicles detained under any provisions of this Act or the Central Act, shall be fitted with a wheel lock mechanism.

Scrapping of detained vehicles.

19. The State Government may make rules for compulsory scrapping of vehicles detained beyond a specific period for any offence under this Act or under the Central Act. Such rules may include the method and manner of scrapping, levy of fee for the same and subsequent disposal.

Restrictions on use of horns.

20. A driver of a vehicle shall not —

(i) sound the horn needlessly or continuously or more than necessary to ensure safety ;

(ii) sound the horn in silence zones ;

(iii) make use of a cut-out by which exhaust gases are released other than through the silencer ;

(iv) fit or use any multitoned horn giving an harsh, shrill, loud or alarming noise ;

(v) drive a vehicle creating undue noise when in motion ;

(vi) drive a vehicle with a muffler causing alarming sound.

CHAPTER VII

FORMATION OF VARIOUS STATUTORY AUTHORITIES AND COUNCILS

Constitution of Statutory Authorities and their power and functions.

21. (1) The State Government shall constitute Unified Metropolitan Transport Authority (UMMTA) for metropolitan areas to co-ordinate multimodal goods and passengers services including vehicles, roads, railways, metro, mono rail and their logistical hubs, etc.

(2) The Authority shall be responsible for planning, co-ordination, implementation and monitoring infrastructure development and development of service agencies for different modes and shall discharge its functions in such manner as may be prescribed.

(3) The authorities constituted under sub-section (1) shall consist of such members as may be prescribed and they shall exercise such powers and perform such functions as may be prescribed.

(4) The State Government shall constitute a road safety fund for the purposes of the road safety.

(5) The Council and Committees constituted under section 215 of the Central Act, shall exercise the powers and such functions as may be prescribed.

(6) The Councils and Committees shall take effective measures to enforce the policies regarding road safety and utilization of the road safety fund.

CHAPTER VIII

CONTROL OF NON-MOTORISED VEHICLES

Regulation of pedestrians, non-motorised vehicles and other means of transport.

22. The State Government may make rules for the purpose of regulating activity in a public place of pedestrians, non-motorised vehicles and other means of transport as are propelled or powered by muscular power of animals and human beings.

CHAPTER IX

OFFENCES, PENALTIES AND PROCEDURES

23. (1) Whoever contravenes the provisions of,—

Punishment
for offences.

(a) sub-section (1) of section 9, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to ten thousand rupees, or with both ;

(b) sub-section (1) of section 11, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty five thousand rupees, or with both ;

(c) sub-section (3) of section 13, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to fifty thousand rupees, or with both ;

(d) sub-section (2) of section 15, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to ten thousand rupees, or with both ;

(e) section 17, shall be punished with fine which may extend to two thousand rupees.

(2) Whoever contravenes any provision of this Act or any rule, regulation or notification made thereunder, shall if no penalty is provided, be punished with fine of two thousand rupees.

24. (1) Any offence committed under this Act may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Compounding
of offences.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

25. Whoever contravenes any provisions of this Act or the Central Act, fails to pay the amount for compounding of offences as prescribed thereunder, within a period specified in the notification, shall in addition to the amount for compounding an offence, be liable to pay an additional amount specified in the notification issued by the State Government.

Levy of
additional
compounding
amount.

CHAPTER X

MISCELLANEOUS

26. (1) The State Government may prescribe the procedure for detention and seizure of vehicles under this Act, the Central Act and the Maharashtra Motor Vehicles Tax Act, including recovery of charges for this purpose from the owner or operators or persons in control of such vehicles.

Procedure for
detention or
seizure of
vehicles.

(2) The District Magistrate may notify the place for the purpose the detaining of vehicles seized or detained by the officers of the Motor Vehicles Department and Police Department.

(3) The officer authorized by the State Government in this regard may enter into an agreement with one or more agency or person for providing space, safe custody and security of detained or seized vehicles at the rates for various types of vehicles as may be decided by him for various detention places.

(4) The charges shall be payable by the person who owns or operates or controls the vehicle. The charges recovered shall be shared between the Motor Vehicles Department and the agency or person so appointed. The shares shall be decided by the District Magistrate.

Disposal of
motor vehicle
seized or
detained.

27. (1) If the owner or person in charge of the motor vehicle is not in position to produce all the valid documents for release of the motor vehicle which is seized or detained under the Central Act or the Maharashtra Motor Vehicles Tax Act or this Act and does not claim the said vehicle within six months from the date of seizure or detention, the Officer of the Motor Vehicles Department or Police Officer may confiscate the said vehicle.

LXV of
1958.

(2) The vehicle shall be disposed by the officers of the Motor Vehicles Department or Police Department, as per the procedure prescribed in the Code of Criminal Procedure, 1973.

2 of
1974.

(3) The proceeds of such sale shall be dealt with in such manner as may be prescribed.

Power to
levy charges
or fee.

28. The State Government may levy fee or charges in respect of tests or other activities which are required to be carried out through independent service providers as provided under the Act :

Provided that, the State Government may, if it considers necessary so to do in the public interest, by general or special order, exempt any class of persons from the payment of any such fee or charge of levy either in part or in full.

Appointment
of officers of
Motor
Vehicles
Department.

29. (1) The State Government shall prescribe the qualifications for appointment, service conditions and uniform of officers in the Motor Vehicles Department.

(2) Every officer performing duties under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of
1860.

Appointment
of
Committees.

30. The State Government may, by order, appoint committees for the purposes of this Act or for the Central Act, for taking decisions on the matter of fares, freights, parking fees, cess, vehicle scrapping methods, etc.

Reservation
of parking
places.

31. The State Government shall make provisions for reserving places for parking of vehicles under the regional development plans through the concerned Government Departments or agencies.

Establishment
of Mobile
Motor Vehicle
Court.

32. The State Government may establish the Mobile Motor Vehicle Courts in each district, for the purpose of speedy disposal of cases about offences committed under this Act or under the Central Act or any other Act.

Protection for
good
Samaritans.

33. (1) A Good Samaritan shall not be liable for any civil or criminal action for any injury to or death of the victim of an accident involving a motor vehicle, where such injury or death resulted from the Good Samaritan's negligence in acting or failing to act while rendering emergency medical or non-medical care or assistance.

(2) The State Government may, by rules, provide for the procedure for questioning or examination of the Good Samaritan, disclosure of personal information of the Good Samaritan and such other related matters.

34. No suit, prosecution or other legal proceeding shall lie against the Government, or any officer or employee of the Government for anything done or purported to have been done in good faith, in pursuance of the provisions of this Act or the rules made thereunder. Protection of action taken in good faith.

35. (1) The State Government may by notification in the *Official Gazette*, make rules to carry out the purposes of this Act, subject to the condition of previous publication. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

36. The provisions of this Act shall be in addition to and not in derogation of, any other law for time being in force. Provisions to be in addition to existing laws.

STATEMENT OF OBJECTS AND REASONS

The Motor Vehicles Act, 1988 (59 of 1988) is enacted by the Government of India so as to consolidate and amend the law relating to motor vehicles. The said Act contains provisions relating to licensing of drivers, registration of vehicles, fitness of transport vehicles, permit for commercial vehicles, control of traffic and penalties for breach of provisions. However, the said Act and the rules made thereunder does not cover certain areas such as holding computerized learner's license test, driving test on computerized test tracks, testing of commercial vehicles on automated vehicle inspection centers, stringent punishment for violations of traffic rules, regulating non-motorized modes of transport, procedure for disposal of detained vehicles, establishment of Mobile Motor Vehicles Court for speedy disposal of traffic related offences. The Government of Maharashtra intends to cover the said provisions in the State Act. The silent features of the proposed Bill are as under,—

- (1) provisions relating to testing of candidates for learners and driving licence on specialized computerized driving test tracks, refresher course for renewal of licence ;
- (2) provisions relating to testing of mechanical fitness of transport vehicles on automated vehicle inspection centres ;
- (3) provisions requiring for free passage for emergency vehicle ;
- (4) provisions regarding registration of aggregators ;
- (5) provisions regarding regulation of school buses and vans ;
- (6) creation of various transport authorities to co-ordinate multimodal goods and passengers services ;
- (7) establishment of the Mobile Vehicles Court ;
- (8) constitution of Road Safety Council and Committees to effectively enforce the road safety policies and establishment of road safety fund ;
- (9) mechanism to detain vehicles and policy of scrapping of detained or seized vehicles ;
- (10) provisions for reserving parking places for vehicles in regional development plans ;
- (11) stringent punishment for certain offences.

2. The Bill seeks to achieve the above ojectives.

Mumbai,
Dated the 3rd April, 2017.

DIVAKAR RAOTE,
Minister for Transport.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1(3).—Under this clause, power is taken to the State Government, to bring into force the provisions of the Act by notification in the *Official Gazette*, and appoint different dates for different sections.

Clause 2.—(a) Under sub-clause (f), power is taken to the State Government, to prescribe by rules the emergency vehicle ;

(b) under sub-clause (k), power is taken to the State Government, to prescribe by rules the officer to be appointed by the Government.

Clause 3.—(a) Under sub-clause (1), power is taken to the State Government, to prescribe the method, manner of testing candidates and fees to be charged for appearing for learner's license test and driving licence test and appointment thereof ;

(b) under sub-clause (2), power is taken to the State Government, to notify the Industrial Training Institutes and engineering colleges, both private as well as Government, duly approved by the State Government, for the purposes of conducting preliminary test for learner's licence.

Clause 4(1).—Under this clause, power is taken to the State Government, to make rules, for licensing and regulation of schools or establishments for imparting instructions in driving of motor vehicles.

Clause 6(1).—Under this clause, power is taken to the State Government, to provide by rules, the duration, contents and period of the refresher course.

Clause 7.—Under this clause, power is taken to the State Government, to prescribe the format of certificate to be issued by the ophthalmologist.

Clause 8.—Under this clause, power is taken to the State Government, to notify the date from which the test of competence to drive a motor vehicle shall be conducted on the driving test track and to provide different dates for different areas.

Clause 9(2).—Under this clause, power is taken to the State Government, to prescribe the conditions, for grant, issue and renewal of Trade Certificate to dealers, financiers and vehicle body builders and other categories.

Clause 10.—(a) Under sub-clause (1), power is taken to the State Government, to notify the date for establishment of the Automated Vehicle Inspection Centres and to prescribe by rules, for the functioning and charges to be levied for establishment of the Automated Vehicle Inspection Centres ;

(b) under sub-clause (2), power is taken to the State Government, to prescribe by rules, the tests to be carried out for issuance of certificate of fitness.

Clause 11(2).—Under this clause, power is taken to the State Government, to prescribe by rules, the terms and conditions for operation of taxis run by aggregators.

Clause 14(1).—Under this clause, power is taken to the State Government, to make rules, for school buses, including vans, auto-rickshaws and other modes of transportation, for safe transportation of school children.

Clause 15(a).—under sub-clause (1), power is taken to the State Government, to make rules, for effective enforcement of the provisions of the Central Act, for reducing and controlling air and noise pollution of the motor vehicles ;

(b) under sub-clause (3), power is taken to the State Government, to make rules, for setting up Pollution Test Centres, the grant of authorisation, their working and charges and other matters related thereto ;

(c) under sub-clause (4), power is taken to the Transport Commissioner, to prescribe the specifications for PUC testing equipment.

Clause 16.—(a) Under sub-clause (1), power is taken to the State Government, to prescribe by rules, the specifications for ambulances ;

(b) under sub-clause (2), power is taken to the State Government, to prescribe by rules, the separate decibel level of sound for sirens fitted to ambulance.

Clause 19.—under this clause, power is taken to the State Government, to make rules, for compulsory scrapping of vehicles detained beyond a specific period for any offence under this Act or the Central Act.

Clause 21.—(a) under sub-clause (2), power is taken to the State Government, to make rules, for planning, co-ordination, implementation and monitoring infrastructure development and development of service agencies for different modes ;

(b) under sub-clause (3), power is taken to the State Government, to prescribe by rules, the members of the Unified Metropolitan Transport Authority (UMMTA) and the power and functions to be exercised by such members ;

(c) under sub-clause (5), power is taken to the State Government, to prescribe by rules, the power and functions to be exercised by the Council and Committees constituted under section 215 of the Central Act.

Clause 22.—Under this clause, power is taken to the State Government, to make rules, for the purpose of regulating activity in a public place of pedestrians, non-motorised vehicles and other means of transport as are propelled or powered by muscular power of animals and human beings.

Clause 24(1).—Under this clause, power is taken to the State Government, to specify by notification in the *Official Gazette*, the amount for compounding of offences.

Clause 26.—(a) Under sub-clause (1), power is taken to the State Government, to prescribe by rules, to provide the procedure for detention and seizure of vehicles under this Act, the Central Act and the Maharashtra Motor Vehicles Tax Act;

(b) under sub-clause (2), power is taken to the District Magistrate, to notify the place for the purpose the detaining of vehicles seized or detained by the officers of the Motor Vehicles Department and Police Department.

Clause 27(3).—Under this clause, power is taken to the State Government, to prescribe by rules, the manner to dealt the proceeds of sale of vehicle seized or detained.

Clause 28.—Under this clause, power is taken to the State Government, to prescribe fee or charges in respect of tests or other activities which are required to be carried out through independent service providers.

Clause 29(1).—Under this clause, power is taken to the State Government, to prescribe by rules, the qualifications for appointment, service conditions and uniforms of officers in the Motor Vehicles Department.

Clause 30.—Under this clause, power is taken to the State Government, to issue an order, for appoint committees, for the purposes of this Act or for the Central Act, for taking decisions on the matter of fares, freights, parking fees, cess, vehicle scrapping methods, etc.

Clause 33(2).—Under this clause, power is taken to the State Government, to prescribe by rules, for the procedure for questioning or examination of the Good Samaritan, disclosure of personal information of the Good Samaritan and such other related matters.

Clause 35.—Under this clause, the power is taken to the State Government, to make rules, by notification in the *Official Gazette*, to carry out the purposes of the Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.

FINANCIAL MEMORANDUM

Clause 10 of the Bill provides for establishment of Automated Vehicle Inspection Centres, clause 12 provides for establishment authorities to determine fares and routes of stage carriage, clause 21 provides for constitution of Unified Metropolitan Transport Authority, clause 29 provides for appointment of officers of Motor Vehicles Department, clause 30 provides for appointment of Committees and clause 32 provides for establishment of Mobile Motor Vehicle Courts. This would require certain recurring and non-recurring expenditure to be met out of the Consolidated Fund of the State. However, it is not possible at this stage to give an estimate of actual expenditure that may have to be incurred in this behalf, as the same will depend upon various factors such as the number of vehicles required to be registered, the number of drivers which should be trained due to accidents, etc. Such expenditure will have to be incurred from the Consolidated Fund of the State.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary Department)

In exercise of the power conferred upon him by clause (3) of Article 207 of the Constitution of India, the Governor of the Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Maharashtra Transport and Roads Safety Bill, 2017.

Vidhan Bhavan :

Mumbai,

Dated the 6th April, 2017.

DR. ANANT KALSE,

Principal Secretary,

Maharashtra Legislative Assembly.